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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:
Scott H. Hutchinson
Gregory M. Hanka

§ Serial No: 09/233,860
§
§ Filed: January 20, 1999
§
§ Group Art Unit: 2123
§
§ Examiner: William D. Thomson
§ 571.272.3718
§
§ Atty Dkt: BVEW:154

For SOFTWARE-IMPLEMENT METHOD FOR
IDENTIFYING NODES ON A NETWORK

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MAIL STOP PETITION
Commissioner for Patents
Alexandria, Virginia 22313-1450

"EXPRESS MAIL" MAILING LABEL	
Number: <u>EV 317506868 US</u>	Date of Deposit: <u>22-NOV-2004</u>
<small>Pursuant to 37 C.F.R. § 1.10, I hereby certify that I am personally depositing this paper or fee with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above in a sealed envelope (a) having the above-numbered Express Mail label and sufficient postage affixed, and (b) addressed to: MAIL STOP PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.</small>	
Signature <u>Hugh R. Kress</u>	
Printed Name <u>Hugh R. Kress</u>	

PETITION UNDER 37 C.F.R. § 1.313 TO WITHDRAW FROM ISSUE

Sir:

Assignee hereby petitions under 37 C.F.R. § 1.313 to withdraw the captioned application from issue. Payment of the petition fee under 37 C.F.R. 1.17(h) is enclosed herewith. If the fee payment is missing or incorrect in amount, or if other fees are determined to be due in connection with the captioned application, the Assistant Commissioner, Commissioner, and/or the Director of the U.S. Patent & Trademark Office is/are authorized to credit any overpayments or charge any deficiencies to Browning Bushman Deposit Acct. No. 02-4345, referencing attorney docket number BVEW:154. The pertinent facts are as follows:

A Notice of Allowability and an accompanying Notice of Allowance and Issue Fee Due ("the Notices") were mailed on June 25, 2004. The undersigned attorney for Assignee submitted the issue fee payment on the due date of September 27, 2004. Subsequently, it was determined that certain claims in the application as allowed contained errors. In at least four instances, these errors result in claims appearing to be

unallowable under 35 U.S.C. § 112 owing to recitation of elements lacking proper antecedent basis. Consequently, it is believed that these claims meet the "unpatentability" criteria of 37 C.F.R. § 1.313(b)(3) qualifying the captioned application for withdrawal from issue under that section.

Accompanying this Petition is a Request for Continued Examination of the captioned application, along with a Preliminary Amendment which is believed to correct the errors described above. Withdrawal of the application from issue and entry of the accompanying Preliminary Amendment is respectfully requested.

Respectfully submitted,

Date: 22-NOV-2004

Hugh R. Kress

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